

Serial No.: 10/595,947  
Art Unit: 1777  
Atty Docket: W004 P01350-US

## REMARKS

### **I. Status of the Claims**

Claims 1, 4, 5, 7 and 8 are under examination in the application. Claims 2, 3, 6, and 9-22 have been withdrawn from examination pursuant to a species restriction requirement. Claim 1 has been amended and claim 8 has been amended to depend from claim 1. No claims have been canceled. Claims 1-22 are pending in the application.

### **II. Claim Rejection Under 35 U.S.C. § 112**

In the Final Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112 as being indefinite because the earlier amendment made to claim 8 to require the pressure exerting means to be of the same material as the edge strip appeared to conflict with the limitation in claim 8 that the pressure exerting means and edge strip have different hardness.

In an After-Final response, Applicant amended claim 8 to depend from claim 1. The Examiner indicated that this amendment would overcome the rejection, but refused to enter the amendment because it would require additional consideration without further elaboration.

Applicant resubmits its amendment to claim 8 in this amendment and RCE. Accordingly, Applicant requests reconsideration and allowance of claim 8.

### **III. Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 4, 5, 7 and 8 were rejected under 35 U.S.C. § 103(a) as being obvious over the combination of WO 2004/030790 (Hibble) and U.S. Patent No. 5,599,446 (Junker).

In the amendment to claim 1 above, Applicant has submitted the limitation that the pressure exerting means is selected from the group consisting of “flexible rubber, synthetic rubber and plastic with rubber-like properties”, which excludes rigid plastic among other

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materials as disclosed in both Junker and Hibble as further elaborated below. Support for this limitation is found on page 4, lines 5-6 of the PCT application as published. Applicant previously amended claim 1 to recite the limitation that the edge strip member is also formed from rubber, synthetic rubber or plastic with rubber-like qualities.

In Hibble, the locking rings (pressure exerting means) would be understood by a person skilled in the art to be made from a rigid plastic. This presumption arises for two reasons. First, Hibble does not actually talk about a suitable material for the locking ring. Accordingly, Hibble is silent as to the material the locking ring is formed from. Coupled to this noted silence, Hibble discusses that a suitable alternative to the locking ring is a well-known distribution ring (Page 14, lines 1 - 6), that are known in the art to be formed from a rigid plastics material. Reinforcing this interpretation of Hibble is that the locking ring engages serrations on the connector ring (attached to the cloth). The use of serrations is only required where a rigid locking ring is used. A flexible material would not require these serrations. Accordingly, the use of these serrations to retain the locking ring to the connector ring is evidence that affirms the fact that the locking ring is a rigid plastics material.

Therefore, the only embodiment Hibble discloses for the locking ring is a locking ring formed from a rigid plastics material. As mentioned above, Applicant has amended claim 1 to recite that the pressure exerting means is selected from a softer material such as rubber, synthetic rubber or plastic with rubber-like qualities. Accordingly, Hibble does not teach all the claimed limitations of the present invention and, therefore, claim 1 is allowable.

Additionally, the locking ring assembly disclosed in Hibble is NOT for connection of a filter cloth to an outer edge of a filter frame as Applicant has claimed. Hibble discloses an arrangement that secures a cloth around a slurry port in the center of a filter plate (page 12, lines

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12 - 14). The import of this structure in Hibble is that the cloth is not filtering material that flows through the filter plate. The cloth in Hibble only filters material that passes through the slurry port. Therefore, the filter plate disclosed in Hibble is not a frame member as applicant has claimed.

The Examiner combined Junker with Hibble in order to reject claim 1. As we observed earlier, though, Junker discloses that the frame (26) is injection molded around the filter cloth (28) and that it is made from rigid plastic. (Col. 3, Lns. 62-66). Junker, at Col. 5, Lns. 35-40, further recites a number of other plastics (and other materials) that the frame may be manufactured out of, none of which on their face appear to be rubber, synthetic rubber or plastic with rubber-like qualities. Junker includes no separate pressure exerting means to retain the elongate bodies in the apparatus also.

In contrast, Applicant's invention aims to provide an apparatus to retain a filter cloth that is easy and quick to assemble and disassemble without causing injury when removing components. Injury generally comes from the use of rigid components that need to be forced into and out of a locking position. The advantage of the rubber or rubber-like pressure exerting means and edge strip makes it easier to assemble and pull out without injury, but also, the pressure exerting means can be made bigger than the channel into which it is going so as to achieve a secure fit and ensure a tight seal.

Both Hibble and Junker clearly do not address the problem Applicant's invention was designed to solve, because both Junker and Hibble disclose filter assemblies for use in a different type of filter that includes hard elements, made of rigid plastic, that could cause injury. Also, Junker has to be extruded into the slot and on the filter cloth and so, it is certainly not easy to assemble and also uses a rigid plastic that could be difficult to remove.

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Because neither Hibble or Junker teach a pressure exerting means or an edge strip member that is formed from rubber, synthetic rubber or plastic with rubber-like qualities, the combination does not render claim 1 obvious. Therefore, the Applicant respectfully solicits reconsideration of pending claims 1 and dependent claims 4, 5, 7 and 8.

Regarding claims 4 and 5, Applicant asserts that the rejection of claims 4 and 5 can no longer stand in light of the arguments submitted above for claim 1. Accordingly, Applicant requests reconsideration and allowance of claims 4 and 5.

Regarding claim 7, the Examiner states that Hibble discloses the limitation that the pressure exerting means is formed from the same material as the edge strip member, but provides no internal citation within Hibble itself supporting this disclosure other than the reference numbers 96 and 98. Although Hibble discloses the cloth connector ring 42, 44 may be manufactured from rubber, thermoplastic rubber, plastic or cloth, Hibble appears to be silent on the composition of the first lock ring 96 and the second lock ring 98. Therefore, Hibble does not teach the limitation that the pressure exerting means is formed from rubber, synthetic rubber or plastic with rubber-like qualities or the same material as the edge strip member. Accordingly, Applicant requests reconsideration and allowance of claim 7.

Regarding claim 8, the Examiner states that Hibble discloses the limitation that the pressure exerting means is of a different hardness to the edge strip, provides no internal citation within Hibble itself supporting this disclosure other than the reference numbers 96 and 98. Although Hibble discloses the cloth connector ring 42, 44 may be manufactured from rubber, thermoplastic rubber, plastic or cloth, Hibble appears to be silent on the composition of the first lock ring 96 and the second lock ring 98. Therefore, Hibble does not teach the limitation that the pressure exerting means is fromed from rubber, synthetic rubber or plastic with rubber-like

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qualities and of a different hardness to the edge strip. Accordingly, Applicant requests reconsideration and allowance of claim 8.

**IV. Request for Rejoinder**

In light of the arguments made above that the claims are patentable over the cited prior art, Applicant request rejoinder and allowance of the withdrawn claims 2, 3, 6, and 9-22.

**V. Conclusion**

In view of the foregoing, the Applicant respectfully solicits reconsideration of the pending claims 1-22.

The USPTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #02-0900.

Respectfully submitted,

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